



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 23, 1998

Ms. Joni M. Vollman
Assistant General Counsel
Office of the District Attorney
201 Fannin, Suite 200
Houston, Texas 77002-1901

OR98-2824

Dear Ms. Vollman:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119745.

The Harris County District Attorney's Office received a request for information regarding a case in which Eric Jay Robinson is a defendant. That office did not submit a copy of the request or of the responsive records but asserts that these records are excepted from public disclosure pursuant to sections 552.101 and 552.108 of the Government Code.

Section 552.301(b) of the Government Code requires a governmental body seeking to withhold public information to submit to this office (1) general written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, and (3) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents.

Pursuant to section 552.303(c) of the Government Code, this office notified you by facsimile dated September 9, 1998, that you had failed to submit copies of the requested information and the written open records request as required by section 552.301(b). We requested that you provide this information to our office within seven days from the date of receiving the notice. The notice further stated that under section 552.303(e), failure to comply would result in the legal presumption that the information at issue was public. *See* Open Records Decision No. 497 (1988) (fact that submitting copies for review to attorney general may be burdensome does not relieve governmental body of responsibility of doing so).

As of the date of this letter, you have not provided our office with the information that was requested. Therefore, as provided by section 552.303(e), the information that is the subject of this request is presumed to be public. In the absence of a demonstration that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, you must release the information in your possession to the requestor. Open Records Decision No. 195 (1978). *See also* Gov't Code § 552.352 (the distribution of confidential information is a criminal offense).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Michael J. Burns", with a stylized flourish at the end.

Michael J. Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 119745

cc: Mr. Steve A. Kamel
Anderson & Kamel
820 Gessner, Suite 1550
Houston, Texas 77024